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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/974,554	10/10/2001	Markus Lindqvist	4208-4026	7197
27123	7590	07/18/2006	EXAMINER	
MORGAN & FINNEGAN, L.L.P. 3 WORLD FINANCIAL CENTER NEW YORK, NY 10281-2101			TRAN, ELLEN C	
			ART UNIT	PAPER NUMBER
			2134	

DATE MAILED: 07/18/2006

Please find below and/or attached an Office communication concerning this application or proceeding..

<b>Office Action Summary</b>	Application No. 09/974,554	Applicant(s) LINDQVIST ET AL.	
	Examiner Ellen C. Tran	Art Unit 2134	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 15 May 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 29-31 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 29-31 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |  |
|---|--|
| <p>1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)</p> <p>2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)</p> <p>3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br/>Paper No(s)/Mail Date <u>May 2006</u>.</p> | <p>4) <input type="checkbox"/> Interview Summary (PTO-413)<br/>Paper No(s)/Mail Date. _____.</p> <p>5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)</p> <p>6) <input type="checkbox"/> Other: _____.</p> |
|---|--|

***DETAILED ACTION***

1. This action is responsive to communication: amendment filed 15 May 2005 with recognition of a filing date of 10 October 2001.
2. Claims 29-31 are currently pending in this application. Claim 29 is an independent claim.

***Response to Arguments***

3. Applicant's arguments with respect to claims 29-31 have been considered but have not been found persuasive.

In response to applicant's argument on page 2, "Applicants respectfully submit that Feinleib fails, for example to disclose, teach or suggest: "... one or more global caster modules for receiving content meant for distribution to all locations in a network; [and] one or more local caster modules for receiving content meant for distribution to only certain locations in said network ..." as set forth in the claim (emphasis added). The Office Action apparently contends that Feinleib discloses "one or more global caster modules for receiving content ... Applicants respectfully disagree". The Examiner disagrees with applicant's interpretation of Feinleib as well as the Office Action. The reference as a whole should be reviewed to teach the claim language. Paragraph [0026] of Feinleib begins "FIG. 1 shows an architecture 20 that enables delivery of streaming content and enhancing content from one or more content providers, as represented by a primary content provider 22(1) and a secondary content provider 22(2), to multiple clients". The Examiner interprets the "one or more content providers" to be equivalent to claim 29 'global caster modules'. Further more paragraph [0027] indicates "Another way is for different providers to deliver the contents separately over the same or different networks ...

and the secondary content provider 22(2) serving enhancing content over network 28 to the clients 24(1) and 24(2)” The secondary content providers in paragraph [0027] are equivalent to the “one or more global cast modules for receiving content meant for distribution to only certain location in said network”. The ‘clients 24(1) and 24(2)’ are equivalent to “only certain location in said network”.

In response to applicant’s argument on beginning on page 2 and ending at the top of page 4, “Applicants note that the Office Action apparently more specifically contends that Feinleib discloses “one or more local caster modules for receiving content meant for distribution to only certain location in said network” by stating ... However, Applicants respectfully observe that Feinleib’s discussion at paragraph [0026], argued by the Office Action to disclosure of “one or more global caster modules for receiving content meant for distribution to all locations in a network ... Applicants respectfully submit that if, for the sake of argument, paragraph [0028] is taken to be disclosing “one or more local caster modules for receiving content meant for distribution to only certain locations in said network” and is not disclosing, teaching, or suggesting “one or more global caster modules for receiving content meant for distribution to all locations in a network” ... and fails, for example to disclose, teach, or suggest content provider 22(1) serving streaming and enhancing content to clients 24(1), 24(2), 24(3), and 24(4)”. The Examiner disagrees with Applicant’s interpretation of Feinleib as well as the Office Action paragraphs 0026 through 0028 show that there are various way to distribute the content and enhancing content. Paragraph [0026] indicates that that one or more content providers can distribute the content and enhancing content, in addition paragraph [0026] indicates that one content provider could distribute both forms of content. The Examiner interprets one or more to

multiple clients 24(1), 24(2), 24(3), and 24(4) equivalent to one module caster delivering to all locations. Paragraph [0027] indicates another way to provide content is to have different content providers deliver different content, a primary content provider delivering streaming content and a secondary content provider delivering enhancing content. Paragraph [0028] discusses another way to provide content utilizing a broadcast center to distribute content to clients. These paragraphs should be reviewed together.

In response to applicant's argument on page 4, "Applicants further note that paragraph [0068]-[0075] of Feinleib cited by the Office Action fail, for instance, to disclose, teach or suggest the above-quoted of the claim and instead merely discuss "one or more filters" employed by a recipient "client". The Examiner disagrees with argument as best understood the "above-quoted of the claim", applicant is referring to "one or more global caster modules for receiving content meant for distribution to all locations in a network", which was taught in paragraph [0026]. The paragraph [0068]-[0075] were indicated in Office Action to add support how the content is delivered from content providers, from paragraph [0068] "First, a single source (e.g. primary content provider 22(1) may transmit both the streaming content and the enhancing content in composite data stream ... Alternatively, the streaming content may be served from one source (e.g., primary content provider 22(1)) while the enhancing content is served from a second source (e.g., secondary content provider 22(2))".

The previous rejection is maintained along with another rejection 102(b) rejection using Kostreski US Patent No. 5,729,549.

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language

5. **Claims 29-31** are rejected under 35 U.S.C. 102(e) as being anticipated by *Feinleib et al.* U.S. Patent Application Publication No. 2005/0028195 (hereinafter ‘195).

**As to independent claim 29, “A system for distribution of content over a wireless link, comprising”** is taught in ‘195 page 2, paragraph 0029

**“one or more global caster modules for receiving content meant for distribution to all locations in a network”** is shown in ‘195 page 2, paragraphs 0026-0028 and FIG. 1 (The global caster modules are interpreted equal to content provider server);

**“one or more local caster modules for receiving content meant for distribution to only certain location in said network; and”** is disclosed in ‘195 page 2, paragraph 0023 (Note it is interpreted in light of the specification that “the content meant for distribution to only certain location in said network” is meant for the user of enhancing content that is sent to a multicast address);

**“one or more transmission devices associated with at least one of the modules”** is taught in ‘195 page 1 paragraphs 0012-0013 and page 2, paragraph 0029.

**As to dependent claim 30, “one or more broker modules, each broker module receiving content from at least one local caster module and at least one global caster module” is shown in ‘195 page 2, paragraph 0026.**

**As to dependent claim 31, “each of said one or more transmission devices is associated with one or more of said broker modules” is disclosed in ‘195 page 2, paragraph 0027.**

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. **Claims 29-31** are rejected under 35 U.S.C. 102(b) as being anticipated by Kostreski US Patent No. 5,729,549 (hereinafter ‘549).

**As to independent claim 29, “A system for distribution of content over a wireless link” is taught in ‘549 col. 5, lines 62-67;**

**“comprising one or more global caster modules for receiving content meant for distribution to all locations in a network; one or more local caster modules for receiving content meant for distribution to only certain location in said network; and” is shown in ‘549 col. 8, lines 10-19;**

**“one or more transmission devices associated with at least one of the modules” is disclosed in ‘549 col. 8, lines 20-29.**

**As to dependent claim 30, “one or more broker modules, each broker module receiving content from at least one local caster module and at least one global caster module” is taught in ‘549 col. 8, lines 45-54.**

**As to dependent claim 31, “each of said one or more transmission devices is associated with one or more of said broker modules” is shown in ‘549 col. 8, lines 45-54.**

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ellen C Tran whose telephone number is (571) 272-3842. The examiner can normally be reached from 8:00 am to 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner’s supervisor, Jacques H. Louis-Jacques can be reached on (571) 272-6962. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ECT  
Ellen Tran  
Patent Examiner  
Technology Center 2134  
12 July 2006

JACQUES H. LOUIS-JACQUES  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100